REMARKS

The above amendment and these remarks are responsive to the Office action of Examiner Sean M. Reilly of 30 Jun 2005, designated final.

Claims 1-106 are in the case, none as yet allowed.

Priority

Applicants have amended the specification to provide the current status of the parent application.

35 U.S.C. 101

Claims 71-106 have been rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

Applicants have amended the specification and claims 105 and 106, without prejudice, so as to remove the reference to fluid transmission medium from the

specification and to clarify that the program instructions are recorded on a tangible storage medium.

Applicants urge that claims 71-106 be determined to be drawn to statutory subject matter under 35 U.S.C. 101.

35 U.S.C. 112

Claims 58-62 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Applicants have amended claim 58, and thereby claims 59-62 which depend therefrom, so as to provide the appropriate antecedent basis.

35 U.S.C. 102

Claims 1, 3-12, 17-20, 22-32, 34-43, 48-58, 60-63, 65-71, 73-82, 87-88, 90-99, and 104-106 have been rejected under 35 U.S.C. 102(e) over Boe et al. 6,122,276 (Boe hereafter).

In his Response to Arguments, the Examiner states:

"...the following factual arguments are noted: a. Boe failed to teach a confirmation record and other various server responses reaching a client. Additionally Boe failed to disclose the client and server communicating using a same communication protocol...."

"In considering (a), Examiner respectfully disagrees with Applicant's argument. Applicant contents (sic, contends) that 1) Boe fails to send a confirmation record to a client and also contends that 2) the client and server of Boe's system fail to communicate using a same communication protocol. With regard to point #1, Boe clearly teaches in figure 4, line E transmitting a confirmation record to the TN3270 server. It is noted that Applicant explicitly states this fact on pg 35 of Applicant's response dated 2/25/05 and page 36 of Applicant's response dated 8/31/05. **Examiner has equated Applicant's claimed *client* with Boe's TN 3270 server.** Within Boe's system, the TN3270 server (Figure 1, 18) is itself a client of the host mainframe. Therefore Boe clearly teaches a client (TN3270 server) receiving a confirmation record. Further with regard

to point #2, the TN3270 and host mainframe of Boe's system communicate using the same protocol (i.e. the proprietary SNA protocol) (Boe Col 2, lines 1-5). Applicant's arguments as to which protocol is utilized for communication between the TN3270 server and TN3270 client of Boe's system is completely irrelevant since Examiner **has equated Applicant's claimed *client* with Boe's TN3270 server**. Additionally any of Applicant's arguments as to whether the TN3270 server is or is not a *telnet* client are moot since none of the independent claims recite the word *telnet*. [Office Action, pages 11-12, emphasis in original.]

"Applicant also contends that other various server responses fail to reach the client. Again since the TN3270 server of figure 1, component 18 is itself a client within the Boe system then, by Applicant's own admissions in the response dated 2/25/05, Boe teaches all the limitations of Applicant's claimed invention." [Office Action, page 12.]

The Examiner then kindly suggests that the definition of "client" be limited, otherwise the broadest reasonable

definition of a 'client' will be utilized by the Examiner. [Office Action, page 12.]

Responsive to the Examiner's suggestion, applicants have amended the independent claims to recite that the client includes "a graphical user interface selectively assigned a session name enabling client emulator communication at an application layer with said server" [See claim 1, for example.] Support for this clarification of the meaning of 'client' is found in applicant's specification at page 10, line 8 to page 11, line 12.

Applicants are aware that in their broadest claims they do not specifically recite "telnet". Rather, these claims are directed to a client and a server communicating over a connection using a same client/server communications protocol and, by this amendment, further to emulator and GUI described above.

In distinguishing Boe, however, since Boe specifically teaches Telnet and SNA communications protocols, in order to discuss the fair teachings of Boe it is necessary to refer to Telnet and SNA and show how Boe's references to Telnet and SNA communications do not support the Examiner's

application of Boe to applicants claims.

The Examiner states that Boe Figure 1 shows TN3270 server 18 is a Telnet client. Applicant's traverse. Server 18 cannot be a Telnet client, as Boe describes the connection from TN3270 server 18 to host mainframe 12 as "SNA communications" (Col. 2, lines 1-5). Telnet clients and servers use the same communications protocol (usually TCP/IP communications, as SNA is a proprietary communications protocol). Boe Figure 1 requires that line 16 be a TCP/IP connection (Col 1, lines 35-40) and line 20 as an SNA connection (Col. 2, lines 1-5).

Now, Boe exploits the SNA communications Figure 1, line 20, to implement his ACTLU x "confirmation record" in Figure 4, line E. Thus, it would be correct to say that TN3270 server 18 is an SNA client of host mainframe 12, but it would not be correct to say server 18 is Telnet client of mainframe 12. Responses from host mainframe 12 to TN3270 server 18 (in particular, the ACTLU x in Figure 4, line E) are SNA responses which are not passed back to a real Telnet client, but to an SNA client. In fact, what Boe's patent really shows is TN3270 server 18 acting as a gateway (TCP-to-SNA protocol converter) between Telnet client 14 and host

mainframe 12. Applicant's invention requires no such converter, and as such has advantages of Boe in that responses are returned to actual clients (as defined in the amended claims) and can result in additional processing at the client (to support new or enhanced functions).

The independent claims were previously amended to more clearly state that a client is a device which communicates over the client/server connection using the same communication protocol as the server. Unlike Boe, such communication requires no converter (TN3270 server 18 is, as previously noted, such a converter, and not a true client as now defined). In applicant's claimed system, unlike Boe, responses are returned to actual clients and can result in additional processing at client (such as the TN3270 client 14 of Boe, for example) to support new or enhanced functions.

Further, with the above understanding, Applicants argue that Boe still is distinguished from applicants invention, as stated in the previous amendment, in that Boe has an additional level of indirection not found in applicants claims, as well as for the above described distinction that communications between Boe's client (TN3270 14) and server

(host 12) are not in the same communications protocol.

Specifically, Boe has a TN3270 client (Fig. 1, element 13), a TN 3270 server (Fig. 1, element 18) and also a legacy Host (Fig. 1, element 12). This means that Boe has communication between the TN3270 client and the TN3270 server (as do applicants), but he also has communication between the TN3270 server and the legacy Host (also like applicants, but applicants claims are not directed to this level of communication.)

This distinction is important, for the negotiations and communications of interest in Boe occur between the TN3270 server 18 and the legacy Host 12. Applicants have no comparable level of communication, for all negotiations and communications of interest in applicants' claims occur between applicants client (such as a TN5250 client) and server (such as a TN5250 server).

Specifically, the confirmation record payload represented by applicants' claimed invention (Figure 2, block 122) gets returned by applicants (TN5250) server (Fig. 3, server 42) to applicants (TN5250) client (Fig. 3, client 40).

Thus, when applicants describe passing back information in a confirmation record to applicants' client, this information is actually communicated to the TN5250 client (Fig. 3, client 40). In Boe's case, this information is communicated from the legacy Host to the TN3270 server, and it does not continue on to an actual TN3270 client.

The significance of this distinction is that the TN3270 client of Boe is not actually involved in any of the negotiations specified in applicants' claims. In other words, the actual TN3270 client is not able to act on any information from the "confirmation record", such that it could, for example, do retry processing using a different set of negotiation variables, or taking corrective actions based upon the error code returned in the confirmation record. As suggested by the Examiner, applicants have amended the claims to clarify that the 'client' they claim cannot be read on TN3270 server 18.

The goal of Boe is to enable the legacy Host to track clients (Col. 7, lines 8-12) by processing in the TN3270 server (called the "communications gateway" in his claims), Applicants invention is distinct in that it seeks to enable programmable negotiations by the client.

Turning now to applicants' claim 1 and the teachings of Boe, Figure 4, as applied by the Examiner (starting at page 4 of the Office Action), consider the following analysis:

1. **Method for processing a client session request, comprising the steps of:**

> The Examiner says Figure 1 of Boe shows TN3270 server 18 to be a Telnet client. Applicants traverse. This cannot be a Telnet client, as the patent describes this connection from TN3270 server 18 to Host Mainframe 12 as "SNA communications" (Col. 2, lines 1-5).

negotiating environment parameters for establishing a connection-oriented connection with said client, said client and said server communicating over said connection using a same client/server communications protocol, said client including a graphical user interface selectively assigned a session name enabling client emulator communication at an application layer with said server;

It is an inherent characteristic of Telnet clients

and servers that they use the same communication protocol (usually TCP/IP communications, inasmuch as SNA is a proprietary communications protocol.) Boe Fig. 1 requires line 16 to be a TCPIP connection (Col. 1, lines 35-40) and line 20 to be an SNA connection (Col. 2, lines 1-5). These are not the same communication protocol. By the limitation added to the claim (underlined), the 'client' includes a client emulator having a GUI selectively assigned a session name, and cannot therefore be read on the TN3270 server 18 of Boe.

inviting said client to submit user variables;

Examiner: line C, which is from TN3270 server to Host.

Boe here introduces the additional level of indirection referred to previously, and from now on communications are between TN3270 Server and Host, and not between the TN3270 Server and TN3270 Client.

responsive to receiving a user variable requesting a custom confirmation record, sending to said client a confirmation record and custom record data.

Examiner: lines D and E, Fig. 4.

Applicants traverse on this critical point. The custom record data (line E) is not returned to the client as asserted by the Examiner, but rather to the TN3270 server. Thus, in Boe, the confirmation record and custom record data are not returned to the TN3270 Client, as is required by applicants' claims.

Boe exploits the SNA communications (Fig. 1, line 20) to implement his ACTLU x "confirmation record" in Fig. 4, line E. Thus, it would be correct to say that TN3270 Server 18 is an SNA client of Host mainframe 12, but it would not be correct to say server 18 is a Telnet client of mainframe 12. Responses from Host Mainframe 12 to TN3270 Server 18 (in particular, the ACTLU x in Fig. 4, line E) are SNA responses which are not passed back to a real Telnet client, but to an SNA client. In

fact, what Boe's patent really shows is TN3270 Server 18 acting as a gateway (TCP-to-SNA protocol converter) between Telnet client 14 and Host Mainframe 12.

With respect to claim 18, the Examiner rejects for reasons similar to those presented for claim 1. Applicants traverse.

Boe does show a client and server, but no client/server connection as now set forth in the claims. There is no teaching of the exit program communicating information back to a client (as that is now defined in the claims) using a same client/server communication protocol. Boe Figure 4 shows responses flowing from the host 12 to the server 18, but no such flow on to the client 14. Thus, Boe does not enable the client 14 to act on any response from the host or the server.

With respect to claim 3, applicants traverse the Examiner's characterization and application of Boe. Applicants claim3 is similar to Boe in that normal TCP/IP connection establishment occurs. However, the negotiation for the confirmation record response does not occur here,

for Boe (Col. 3, line 25) refers to line C in Figure 3. Instead, this request for confirmation record occurs in Boe in Fig. 4, lines C and D, which do not correspond to line C in Figure 3. Line H in Fig. 3 does show a response, but this not a confirmation record response. It is possible the Examiner intended to cite Line E in Fig. 4 as the confirmation record response (ACTLU x), but as is clear from the figure, this response goes to the TN3270 server, and not to the TN3270 client.

With respect to claims 4-6, applicants traverse the Examiner's rejection. As previously argued, the responses cited by the Examiner are fed to the TN3270 server and, most importantly, not to the TN3270 client. Applicants agree that Boe has his version of a confirmation record, but argue that Boe does not teach that the confirmation record is accessible to the intended client.

With respect to claims 7-8, applicants traverse. As stated before, the Boe responses go to the TN3270 server and not to the TN3270 client.

With respect to claims 9-12, and 17, applicants traverse. As stated before, the Boe responses go to the

TN3270 server and not to the TN3270 client.

With respect to claims 19, 20 and 22, which have been rejected for reasons similar as for claims 1-8 and 18, applicants again traverse. Again, Boe is using his TN3270 server as the "client" in his architecture. The fact that the server is performing the actions described gives no advantage as set forth in applicants claims to the TN3270 client that connects to the TN3270 server.

With respect to claims 23, 32, 49, 58, 63, 71, 88, 105, and 106, all other independent claims in the case, applicants traverse the Examiner's characterization of Boe's teachings, which are asserted by the Examiner for similar reasons as for claim 1, and respond thereto as above for claim 1.

With respect to claims 34, 60, 65, 73, and 90, applicants traverse the Examiner's characterization and application of Boe. Applicants claims 2 and 3 are similar to Boe in that normal TCP/IP connection establishment occurs. However, the negotiation for the confirmation record response does not occur here, for Boe (Col. 3, line 25) refers to line C in Figure 3. Instead, this request for

confirmation record occurs in Boe in Fig. 4, lines C and D, which do not correspond to line C in Figure 3. Line H in Fig. 3 does show a response, but this not a confirmation record response. It is possible the Examiner intended to cite Line E in Fig. 4 as the confirmation record response (ACTLU x), but as is clear from the figure, this response goes to the TN3270 server, and not to the TN3270 client.

With respect to claims 35-37, 61-62, 66-68, 74-76, 91-93, applicants traverse and argue, as asserted with respect to claims 4-6, that the responses cited by the Examiner are fed to the TN3270 server and, most importantly, not to the TN3270 client. Applicants agree that Boe has his version of a confirmation record, but argue that Boe does not teach that the confirmation record is accessible to the intended client.

With respect to claims 38-39, 69-70, 77-78, and 94-95, applicants traverse and argue, as with respect to claims 7-8, that the Boe responses go to the TN3270 server and not to the TN3270 client.

With respect to claims 40-43, 48, 79-82, 87, 96-99, and 104, applicants traverse and argue, as with respect to

claims 9-12 and 17, that the Boe responses go to the TN3270 server and not to the TN3270 client.

Applicants have amended all of the independent claims 1, 18, 23, 32, 49, 58, 63, 71, 88, 105, and 106 to further clarify the operation of the client and server, and to define the client as a device which communicates with the server using a same client/server communication protocol, the client including a graphical user interface selectively assigned a session name enabling client emulator communication at an application layer with said server, and urge that the rejection of these claims over Boe be reconsidered and withdrawn, and these claims allowed.

35 U.S.C. 103

Claims 1-12, 17-20, 22-43, 48-82, 87-99, and 104-106 have been rejected under 35 U.S.C. 103(a) over Boe et al, 6,122,276 (Boe hereafter) and Chen et al. (U.S. Patent 6,182,220, hereinafter Chen), and claims 13-16, 21, 44-47, 83-86, and 100-103 have been rejected under 35 U.S.C. 103(a) over Boe and Murphy et al. (RVD 287, "5250 Telnet Enhancements" July 2000; hereinafter Murphy).

Applicants traverse the rejection of these dependent claims the reasons stated above with respect to their respective base claims in which applicants have shown that the Boe reference, when applied to base claims as currently amended, does not teach the client/server system as characterized by the Examiner.

The Examiner notes that Chen does not teach responsive to receiving a user variable requesting a custom confirmation record received at the server from the client, with the server sending to the client a confirmation record and custom record data for enabling the client to engage in subsequent programmable negotiations directly with the server. [See Office Action, page 7.] However, for this teaching the Examiner refers to Boe, referring to host 12 as the server and TN3270 server 18 as the client. As previously explained, these components of Boe do not meet the requirements of the amended claims.

Similarly with respect to Murphy, the Examiner references Boe TN3270 as the client and host 12 as the server in addressing the requirements of the base claims, and cannot, therefore, now properly assert that the clients are TN3270 client 14, 30 for the purpose of reading Boe on

the dependent claims. As previously explained, as the amended claims now clarify, the base claims cannot be read on the host 12 and server 18.

Applicants urge that claims 1-106 be allowed.

SUMMARY AND CONCLUSION

Applicants urge that the above amendments be entered and the case passed to issue with claims 1-106.

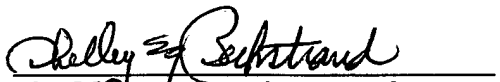
The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707.02(j) and 707.03 in order that allowable claims can be presented, thereby placing the Application in

condition for allowance without further proceedings being necessary.

Sincerely,

R. G. Hartmann, et al.

By



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